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EXAMINER

ULRICH, NICHOLAS S

ART UNIT	PAPER NUMBER
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2173

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,989

Applicant(s)

MARTIN ET AL.

Examiner

Nicholas S. Ulrich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-31 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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DETAILED ACTION

1. Claims 1-31 are pending.
2. Claims 4, 16, and 23 have been amended.

Specification

3. The disclosure is objected to because of the following informalities: The filing date for provisional application 60/508439 should be October 2, 2003.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4, 5, 6, 10, 11, 12, 20, 21, 23, 24, 25, 29, 30, and 31 are rejected under 35 U.S.C. 102(e) as being provisionally anticipated by Lillie (US 2005/0065913 A1).

In regard to claim 1, Lillie discloses a method for selecting skinnable interfaces comprising:

accessing user specific information upon installation of an application on a computing resource that is associated with a user, said user associated with said user specific information (*Paragraph 0048 and 0073 lines 4-6: an application executing in connection with a microprocessor-based device and can determine configuration based on user role. A user role is determined by information associated with a user. It is inherent that the application has been installed on the microprocessor device and determines a users role based on information associated with a user so as to provide default or predetermined configuration for the GUI of the application*);

determining a selected user interface (UI) skin from a plurality of UI skins based on said user specific information (*Paragraph 0037: profiles stored in a bank are available based on user information*);

and configuring said application to incorporate said selected UI skin as a default UI skin for said application (*Paragraph 0051 lines 5-7: The portal invokes a predetermined configuration based on user role*).

In regard to claim 2, Lillie discloses determining a selected UI skin further comprises:

associating said user with a selected partner from a plurality of partners based on said user specific information, wherein said plurality of partners is associated with said plurality of skins and determining said selected UI skin based on said selected partner (*Paragraph 0065 lines 1-16: The system is implemented for groups (or partners) of users where a configuration is associated with the groups based on user information: A*

user is defined to fall within a group based on user information and once determined a configuration is used based on the group that a user falls within);

In regard to claim 4, Lillie discloses wherein said determining a selected UI skin further comprises: associating said user with a selected class from a plurality of classes based on said user specific information, wherein said plurality of classes is associated with said plurality of skins; and determining said selected UI skin based on said selected class (*Paragraph 0065 lines 1-16: The system is implemented for groups (or class) of users where a configuration is associated with the groups based on user information: A user is defined to fall within a group based on user information and once determined a configuration is used based on the group that a user falls within);*

In regard to claim 5, Lillie discloses the method of displaying said selected UI skin as a user interface for said application when running said application (*Paragraph 0036 – 0037: System comprises a user interface which is configured based on a profile determined by user information).*

In regard to claim 6, Lillie discloses the method wherein said application comprises a local portal for accessing local resources on said computing resource and web based resources (*Paragraphs 0055-0059).*

In regard to claim 10, Lillie discloses the method wherein said accessing user specific information further comprises:
querying said user for said user specific information upon installation of said application
(Paragraph 0084: The information is stored and is not requested during application run time so it is inherent that the information was supplied during installation).

In regard to claim 11, Lillie discloses the method comprising: loading only said selected UI skin when installing said application onto said computing resource
(Paragraph 0048 lines 11-12: The portal automatically invokes a default or predetermined configuration).

In regard to claim 12, Lillie discloses the method comprising: dynamically updating said selected UI skin *(Paragraph 17 lines 6-7).*

System claims 20, 21, 23, 24, 25, 29, 30, and 31 correspond generally to method claims 1, 2, 4, 5, 6, 10, 11, and 12, respectively, and recite similar features in System form, and therefore are rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 8, 13, 14, 15, 17, 18, 19, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lillie (US 2005/0065913 A1) in view of Saidenberg et al (US 2004/0003347 A1).

In regard to claim 7, Lillie discloses adding atleast one category that is dynamically defined based on said user specific information, wherein said category comprises related links to local resources on said computing resource and web based resource (*Paragraphs 0058: As discussed above in claim 1, user information is used to determine configuration and what content to provide within the portal. The portal can contain links to local resources and web based resources*).

Lillie fails to disclose "selecting a background presentation associated with said UI skin" and "adding category over said background". However, Saidenberg discloses applying a background dependent on determined style sheet (*Paragraph 0100 and Figure 9: A sub entity is determined and a style sheet associated with the sub entity is provided including a background associated with sub entity. Figure 9 shows how the*

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background can be altered based on a particular company) and adding category over said background (Paragraph 0062: Formatting particular to a specific sub entity code may include functions and interactive links in accordance with the sub entity style). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Saidenberg to Lillie's invention because one of ordinary skill in the art would be motivated to provide a background image and categories associated with a particular user interface in order to customize the interface for a particular group and also provide the ability to easily change the interface when used by another group so as to keep the interface configured to each separate group (See Saidenberg paragraph 0009).

In regard to claim 8, Lillie does not explicitly disclose the method wherein said user specific information comprises behavioral logic available on said computing resource, said behavioral logic associating said user to said selected UI skin. However, Saidenberg discloses user specific information comprises behavioral logic available on said computing resource, said behavioral logic associating said user to said selected UI skin (*Paragraph 0028 lines 9-17, Fig 7, and Paragraph 066: a users sub entity code is supplied to determine the constituency to which the user belongs so as to provide the necessary format for the user. Fig 7 shows logic that can be applied to associate a user with entities and sub entities*). Lillie discusses a plurality of specific user information and suggests that other information could be used and obtained. Therefore at the time of the invention it would have been obvious to combine the teachings of Saidenberg to

Lillies's invention because one of ordinary skill in the art would be motivated to obtain user behavioral logic to associate the user with a particular business or company.

In regard to claim 13, Lillie discloses wherein said user specific information is obtained during installation of an application on a computing resource (*Paragraph 0084: The information is stored and is not requested during application run time so it is inherent that the information was supplied during installation*), at least one category that is dynamically defined based on said user specific information is added wherein said category comprises related links to local resources on said computing resource and web based resources (*Paragraphs 0056: As discussed above in claim 1, user information is used to determine configuration and what content to provide within the portal. The portal can contain links to local resources and web based resources*). Lillie fails to disclose "user specific information includes user specific behavioral logic", "selecting a background presentation associated with said UI skin", and "adding category over said background". However, Saidenberg discloses user specific behavioral logic to determine a company associated with a user (*Paragraph 0028 lines 9-17, Fig 7, and Paragraph 066: a users sub entity code is supplied to determine the constituency to which the user belongs. Fig 7 shows logic that can be applied to associate a user with entities and sub entities*), applying a background dependent on determined style sheet (*Paragraph 0100 and Figure 9: A sub entity is determined and a style sheet associated with the sub entity is provided including a background associated*

with sub entity. Figure 9 shows how the background can be altered based on a particular company), and adding category over said background (Paragraph 0062: Formatting particular to a specific sub entity code may include functions and interactive links in accordance with the sub entity style) It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Saidenberg to Lillie's invention because one of ordinary skill in the art would be motivated to provide a background image associated with a particular user interface in order to customize the interface for a particular group and also provide the ability to easily change the interface when used by another group so as to keep the interface configured to each separate group (See Saidenberg paragraph 0009).

In regard to claim 14, Lillie does not explicitly disclose the partner specific user interface wherein said selected skin is associated with a selected partner chosen from a plurality of partners based on said user specific behavioral logic, and wherein said plurality of skins is associated with said plurality of business partners. However, Saidenberg discloses partner specific user interface wherein said selected skin is associated with a selected partner chosen from a plurality of partners based on said user specific behavioral logic, and wherein said plurality of skins is associated with said plurality of business partners (*Paragraph 0028 lines 9-17, Fig 7, and Paragraph 066: a users sub entity code is supplied to determine the constituency to which the user belongs so as to provide the necessary format for the user. Fig 7 shows logic that can*

be applied to associate a user with entities and sub entities). Lillie discusses a plurality of specific user information and suggests that other information could be used and obtained. Therefore at the time of the invention it would have been obvious to combine the teachings of Saidenberg to Lillie's invention because one of ordinary skill in the art would be motivated to obtain user behavioral logic to associate the user with a particular business or company.

In regard to claims 15, Lillie fails to disclose the partner specific user interface wherein said user specific behavioral logic associates a user as a customer of said selected partner (*Fig 7 and Paragraph 066: Fig 7 shows logic that can be applied to associate a user with entities and sub entities*). Lillie discusses a plurality of specific user information and suggests that other information could be used and obtained. Therefore at the time of the invention it would have been obvious to combine the teachings of Saidenberg to Lillie's invention because one of ordinary skill in the art would be motivated to obtain user behavioral logic to associate the user with a particular business or company.

In regard to claim 17, Lillie fails to disclose the partner specific user interface wherein said category comprises an XML file for adding said category in said background presentation. However, Saidenberg discloses wherein said category comprises an XML file for adding said category in said background presentation (*Paragraph 0100 line 1*). It would have been obvious to one of ordinary skill in the art at

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the time the invention was made to incorporate the teachings of Saidenberg to Lillie's invention because one of ordinary skill in the art would be motivated to use XML in order to separate style from content for a user interface.

In regard to claim 18, Lillie discloses the partner specific user interface wherein said selected skin is displayed upon starting said application (*Paragraph 0036 – 0037: System comprises a user interface which is configured based on a profile determined by user information*).

In regard to claim 19, Lillie discloses the partner specific user interface wherein said user interface application is started upon boot up of said computing resource (*Paragraph 0105 and Paragraph 0048 lines 3-4; The program executes by way of an operating system. It is obvious that the operating system would have to be started (or booted up) in order to start the application*).

System claims 26 and 27 corresponds generally to method claims 7 and 8, respectively, and recites similar features in System form, and therefore is rejected under the same rationale.

6. Claims 3 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lillie (US 2005/0065913 A1) in view of O'Neil et al (US 7127232 B1).

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In regard to claim 3, Lillie fails to disclose providing revenue sharing from said selected partner. However, O'neil discloses providing revenue sharing from said selected partner (*Column 9 line 65 – Column 10 line 23*). Lillie and O'Neil are analogous art because they are both from the same field of endeavor of portals. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of O'Neil to Lillie's invention because one of ordinary skill in the art would be motivated to provide revenue sharing based on a determined group.

System claim 22 corresponds generally to method claim 3, respectively, and recites similar features in System form, and therefore is rejected under the same rationale.

7. Claims 9 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lillie (US 2005/0065913 A1) in view of Wong et al (US 6968364 B1).

In regard to claim 9, Lillie fails to disclose the method wherein said accessing user specific information further comprises: accessing product registration information to access said user specific information. However, Wong discloses accessing product registration information to access said user specific information (*Column 34 lines 41-45*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wong to Lillie's invention because

one of ordinary skill in the art would be motivated to use the information provided by product registration to determine specific information related to a user. It is well known in the art that product registration contains ideal information for determining a user.

System claim 28 corresponds generally to method claim 9, respectively, and recites similar features in System form, and therefore is rejected under the same rationale.

Response to Arguments

8. Applicant's arguments, see remarks, filed 7/12/2007, with respect to 35 U.S.C. 112 rejections have been fully considered and are persuasive. The 35 U.S.C. 112 rejections of claims 4 and 23 have been withdrawn.

9. Applicant's arguments filed 7/12/2007 with regard to 35 U.S.C. 102 and 103 rejections have been fully considered but they are not persuasive.

In response to applicant's argument that Lillie fails to teach "determining a selected user interface skin from a plurality of UI skins based on said user specific information", the examiner disagrees. Applicant admits (see pg 13 paragraph 3 of the arguments) that Lillie teaches "determining portal configurations based upon user profiles in order that these portal configurations may be shared amongst users with similar roles". While Lillie does not use the term "skin", the "portal configuration" acts as

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a similar mechanism. The portal configuration of Lillie's invention defines the look of a portal application (see *Lillie pg 0052*), which is what a skin does for a given application. Since Lillie teaches "determining portal configuration based upon user profiles", then Lillie discloses determining a skin based on user specific information. The profiles of Lillie's invention define user information, which is used to determine which portal configuration to load for the given user of a portal application.

In response to applicants argument that the combination of Lillie and Saidenberg references fail to disclose "behavioral logic", the examiner disagrees. Applicant admits that behavioral logic "is information which may create an association between the user and a selected business partner". Examiner has relied upon a "subentity code" of Saidenbergs invention for the limitation of behavioral logic. Paragraph 0028 of Saidenberg's disclosure discusses how a subentity code identifies a **constituency** and is associated with a user identifier. Therefore the subentity code is the logic that ties a user to a business.

Allowable Subject Matter

10. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas S. Ulrich whose telephone number is 571-270-1397. The examiner can normally be reached on M-TH 9:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Ulrich

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10/05/2007

TADESSE HAILU
PRIMARY EXAMINER

